

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SRU BIOSYSTEMS, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 05-201-SLR
)	
DOUGLAS S. HOBBS, JAMES J. COWAN, and)	
COHO HOLDINGS, LLC,)	
)	
Defendants.)	

PLAINTIFF'S REPLY TO DEFENDANTS' COUNTERCLAIMS

Plaintiff, SRU Biosystems, Inc., by and through its undersigned counsel, presents
this Reply to Defendants' Counterclaims as follows:

PARTIES

1. Admitted.
2. Admitted.

NATURE OF COUNTERCLAIM ACTION, JURISDICTION AND VENUE

3. Admitted.
4. Admitted.
5. Plaintiff admits that venue is proper in this District. Plaintiff opposes
Defendants' suggestion that this matter should be transferred to the District of
Massachusetts.

GENERAL ALLEGATIONS

6. Plaintiff admits that U.S. Patent No. 6,791,757 (“the ‘757 patent”), which issued on September 14, 2004, is entitled “OPTICAL DEVICE FOR FILTERING AND SENSING”. For lack of information sufficient to form a belief as to the truth or falsity thereof, Plaintiff denies each and every remaining allegation of Paragraph 6 of the Counterclaim.

7. Plaintiff admits that U.S. Patent No. 6,870,624 (“the ‘624 patent”), which issued on March 22, 2005, is entitled “OPTICAL WAVELENGTH RESONANT DEVICE FOR CHEMICAL SENSING”. For lack of information sufficient to form a belief as to the truth or falsity thereof, Plaintiff denies each and every remaining allegation of Paragraph 7 of the Counterclaim.

COUNT I – PATENT INFRINGEMENT

8. Plaintiff restates and incorporates by reference its responses to Paragraphs 1-7 as if each response was fully set forth herein.

9. Denied.

10. Denied.

COUNT II – PATENT INFRINGEMENT

11. Plaintiff restates and incorporates by reference its responses to Paragraphs 1-10 as if each response was fully set forth herein.

12. Denied.

13. Denied.

DEFENSES

FIRST AFFIRMATIVE DEFENSE: Non-Infringement

14. None of Plaintiff's activities or products has ever infringed any valid claim of the '757 patent or the '624 patent, either directly or contributorily, nor has Plaintiff ever induced any person or entity to infringe any valid claim of the '757 patent or the '624 patent.

SECOND AFFIRMATIVE DEFENSE: Invalidity

15. One or more claims of the '757 patent and the '624 patent are invalid because they do not comply with one or more of the conditions of patentability set forth in 35 U.S.C. §§ 102(f) and/or 102(g).

THIRD AFFIRMATIVE DEFENSE: Inequitable Conduct

16. Plaintiff restates and incorporates by reference its allegations regarding Inequitable Conduct as set forth in Paragraphs 25-34 of the Complaint as if each allegation was fully set forth herein.

Wherefore, Plaintiff requests that the Court enter judgment in its favor with respect to Defendants' counterclaims for infringement regarding the '757 patent and the '624 patent. Plaintiff further requests that the Court award it any other relief that might be appropriate, including its attorneys' fees and costs.

ASHBY & GEDDES

/s/ John G. Day

Steven J. Balick (I.D. # 2114)
John G. Day (I.D. # 2403)
222 Delaware Avenue, 17th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashby-geddes.com
jday@ashby-geddes.com

*Attorneys for Plaintiff/Counterclaim
Defendant SRU Biosystems, Inc.*

Of Counsel:

John J. McDonnell
James C. Gumina
Patrick G. Gattari
Paula S. Fritsch
McDONNELL BOEHNEN
HULBERT & BERGHOFF LLP
300 South Wacker Drive
Chicago, Illinois 60606
Tel.: (312) 913-0001

Dated: May 17, 2005
157275.1

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of May, 2005, the attached **PLAINTIFF'S REPLY TO DEFENDANTS' COUNTERCLAIMS** was served upon the below-named counsel of record at the address and in the manner indicated:

Brian M. Dingman, Esquire
Mirick, O'Connell, DeMallie & Lougee, LLP
1700 West Park Drive
Westborough, MA 01581-3941

VIA FEDERAL EXPRESS

/s/ John G. Day
John G. Day